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## Héctor Pesquera claims to have evidence against federal monitor

The secretary of the Department of Public Safety denied having given orders during the last May 1 demonstration

In the picture Héctor Pesquera, secretary of the Department of Public Safety.  
([Ramón Tonito Zayas](#))

The Puerto Rican government is preparing to reject the last Federal Police Monitor report and it seems they could do so by attaching documentary evidence to demonstrate Judge Gustavo Gelpí that Technical Compliance Advisor Arnaldo Claudio has maintained a presumed pattern of undue interference with officials, legislators and agents, in violation of the Federal Court provisions as part of the Reform of the Police agreement.

Although he did not want to get into details about the responses to the accusations made in that last report, which covers the period from June 10 to December 9, 2017, Héctor Pesquera, secretary of the Department of Public Safety (DPS), defended himself against the allegations and made clear his disagreement with Claudio.

"There has been an undue interference (by Claudio) in the Police operations, violating the agreement ... He has even threatened and given instructions to police officers. This is documented, it is not made up. When the time comes, the evidence will be presented ... All of this is unacceptable, it is not part of the agreement and it is a complete aberration to its functions", Pesquera said.

In an in depth interview with **El Nuevo Día**, the head of the DPS not only spoke about the report and made serious accusations against Claudio, but claimed a

drop in the overall crime rates, although the number of murders has skyrocketed. He said he was satisfied with his performance and dismissed the importance of being perceived as too arrogant. He did not admit that he failed to collect the data on the deaths related to the hurricane and acknowledged that his plan to integrate the seven agencies under his umbrella is behind schedule, but as a consequence of hurricane Maria.

The federal police monitor report concludes that Pesquera violated the law by allegedly giving orders during the May 1, 2017 demonstration against the Oversight Board, without having been formally sworn in by Senate, that the DPS is in conflict with the Police reform, that there are problems with the chain of command, among others.

Pesquera denied everything, although he said he could get deeper into each item. The governor's legal advisor, Alfonso Orona, will present the response to Gelpí.

**Which of the agreements to implement the Reform are already at least halfway made?**

— There are many, there are several ...

**You say that progress has been made, at a slow, steady or fast pace?**

— This is ongoing, and has some metrics and validity times... I am sure, based on the comments made by the technical advisor, that if that had been the case it would have already been in the press.

**I feel a bit of cynicism in your expressions ...**

— None. It is truth

**How is your communication with the federal monitor?**

— I have had very little communication with him.

**Do you think that is healthy?**

— Before answering whether it is healthy or not, there is a person in charge of the Police...

**But you are the leader ...**

— Yes, but the agreement is very clear and specific, and I participated in that. I am not intervening in the Police daily operations... when it is necessary to take something that has to do with public policy, yes ... I communicate with the counselor Orona and with the Department of Justice, and they communicate at the court level with the parties.

**Is not crucial to have direct communication with the monitor, because we are talking about a Police reform, and is the head commissioner, who was involved in the negotiations to reach an agreement and that the administration has increased its ties with the federal government?**

— The agreement is valid; there is a discrepancy in the participation of the technical advisor who has interfered in things that do not concern him.

**Is it enough for the monitor to communicate directly with the Police Commissioner?**

— No, if he needs to communicate with me he has my personal telephone number ... I am 100 percent accessible.

**Claudio alleges that he is regularly excluded from the Law 20 implementation discussions, is that true?**

— The agreement says that the technical compliance advisor cannot make any kind of unilateral action with public officials ... There are documented facts where Claudio directly, in violation of Court instructions, communicated with legislators who were working in Law 20. It was a violation of the agreement and the judge's instructions.

**Are you revealing that Claudio violated the Court provisions and the original agreement?**

— Undoubtedly. Documented, with evidence.

**Did you give Gelpi the evidence?**

— At one point, so you can see the Technical Compliance Advisor interference in activities that do not concern him, both parties, government and Justice (federal) raised their concerns to Court, about this person doing things that were not his business or had any interference.

**When did they do it?**

— In 2015, it is also documented ... Honorable judge Gelpí gave specific instructions not to do so. We have documents that clearly indicate that he violated the agreement by going to representatives and legislators, to expose their position on Law 20. It is an unacceptable violation of the agreement.

**Claudio has maintained a pattern of undue interference?**

— Absolutely, from the beginning and he has maintained it.

**How can he still be in office?**

— I cannot answer that. In due time, the government of Puerto Rico will present the situation before the honorable court ... It is documented, I have the evidence.

**Will you ask for a change of monitor?**

— I do not want to get involved in that. It's up to the governor's advisor and the Department of Justice.

**But would you recommend it?**

— I do not want to get into details.

**They are very serious complaints...**

— Very serious, that's how we understand it.

**I see you are very angry...**

— They are accusing me of undue meddling and it is the other way around, I can document it. Even in the situations he alleges that I gave specific instructions on the May 1 event, I have documentation, not gossip, where the officers say otherwise. In due time, they will be presented in the corresponding forum.

**Does the DPS affect the agreement, as the report claims?**

— It's a bit ridiculous position.

**The monitor claims that the chain of command affects the reform...**

— What is the crisis? That is the perception of the crisis...

**It creates a distrust and demoralization environment, it is not clear who is in charge there...**

— That is clear by law. He is the one who does not follow the law or the agreement, who gives instructions to the police that he cannot give.

**The report says that he gave orders without having the Senate's endorsement, why did he do it?**

— We are starting from the wrong premise. The compliance advisor says that I gave orders ... those cops who claim that I gave orders will have to document it. That is one of the areas where I do not want to go into details because we have to present it in court.

**What did you do that day?**

— I was in Guaynabo at the beginning. They called me, as an advisor to the governor, which is a function I had, and they told me to come back, that there

was a problem. I went and saw what was going on, I asked, I made comments. The legal advisor (Orona) was with me. There were certain things that happened, but no orders were given

**Did you ordered to remove the protesters from the airport?**

— How am I going to do that? Protesters are not removed unless there is a law violation. They have Constitutional rights... I did not give any instructions.

**None?**

— No, but I can make suggestions.

**Did your suggestions go directly to the police?**

— In none of the activities where I made any kind of comment, I was alone. The superintendent at that time was always with me.

**In short, did you not intervene or give instructions that day?**

— I was not giving orders but I made comments

When Pesquera is in charge of his defense, he does it with strength and security. There is a sector of the country that applauds it, but there are others who believe that this projection is of colossal arrogance. If he is sure of something, is that he will not change. That is him, period.

**There is a sector of the country that thinks that you radiate arrogance, are you arrogant?**

— I did not come here to win popularity; I came to do a job. If people do not like the way I communicate, I'm sorry. I will not change for any kind of pressure and less for political pressures.

**And do you think they are purely political comments, not from ordinary citizens?**

— No, there must be citizens who consider it. But you know what? I'm sorry ... That's how I operate and if you do not like it, I'm very sorry.

The high number of murders in just two months keeps Pesquera in the public eye, but he insists that, when you look at the whole scenario, the truth is that crime has dropped by 19.8 percent. The number of violent deaths has risen to 130, 27 more than in 2017.

**It's not one or two, it's 27 murders more than last year, what do those figures tell you?**

— It is worrying and we are taking care of it, but when we see the global statistics, crimes against the person is 21 percent lower and property crimes, 19 percent lower. We have 19.8 percent less total crimes, but the murders are plus 27. I am aware, I am not justifying it.

**What has failed?**

— These are individual issues from the people who committed the murders; there is no direct correlation ... when there were 21 murders less last year nobody said: "Oh, that's good!" It was ignored... This goes up and down. It cannot be said how we have failed.

**What is your plan? The murders rate rise is a fact.**

— It is a fact...

**And people see it and they feel insecure. I imagine an analysis of those murders has been done. What is that plan?**

— We have areas in which we know that they have shot more than in previous years, but the correlation between events to say that we have failed does not exist. In a case like Comerío's, who fails? It is impossible to predict that.

**I understand that, but tell me, what is the analysis and the plan?**

— Most of the crimes are for drugs, firearms, on the roads, on weekends. What are we doing? We are collecting criminal intelligence in the island level, attacking the areas and going against individuals that we understand may be the possible responsables... there is no place in the world where a type of crime is triggered, and the next day the problem is solved.

**We are talking about the accumulation of cases in two months. What is your plan? Which regions should they reinforce?**

— San Juan, Carolina and Ponce are the three regions that have risen compared to last year. But again: there are plus 27 murders and everyone claims that there is a crisis, but when there were less 21 nobody said: "That's good". That is the difference.

**But there is no crisis?**

— I do not see a crisis ... there is a concern.

**Five months after the hurricane, can you admit that you were wrong in collecting data on the deaths from the hurricane?**

— I do not.

Pesquera insisted that without evidence they could not add cases to the list of deaths and welcomed the study that the George Washington University will make, which will cost the government about \$ 1.4 million. The official figure remains at 64 deaths.

In the eight months as DPS head, he said his greatest achievement has been to "explain" the seven agencies commissioners that make up the umbrella that governs the public policy of Governor Ricardo Rosselló, the approach for the best use of resources and their efficiencies.

The consolidation is delayed and the great obstacle in that calendar was María. It is a complex and difficult process, he stressed, and he hopes to have it running well before the end of 2018. The projected savings will be more than \$ 28 million.



**What is the most complex?**

— The complexity of joining the agencies, of mixing bank accounts, of the different scales personnel that have different functions, of the contracts, of looking for the way to generate efficiencies ... how to standardize contracts procedures, where to take the headquarters ... everything was paralyzed by the hurricanes.

**At what stage is the seven agencies merging process?**

— Not finished, we need the headquarters ... The first agencies should be the smallest, to go little by little adding the others.

**When do you expect to have the complete merger plan ready?**

— It has to be ready this year.

**Once you complete the administrative process, would there be staff movement?**

— We cannot take someone from another staff and suddenly turn them into policemen. What we can do, and we are already working, is to remove all the police who are doing administrative work and replace them based on the Single Employer Law.

**How many policemen are there in administrative areas?**

— Almost 900, a lot.

**Was the absences problem already controlled?**

— That has been resolved. There are between 20 or 30 on the Island, normal.

**How many barracks are still not working?**

— It is not about how many are not working, but the ones that are working in conditions that are not correct ... I anticipate that in the study of needs, the

barracks are included, which can be eliminated or regionalized. To have barracks that serve an area where three or four are not necessary because the staff is not justified.

**What should be improved?**

— I need the headquarters to integrate the first agency. We are working hard.

**Do you think that people are satisfied with their performance?**

— From what I see on the streets, yes.

**Why should we continue to pay you a salary of \$ 248,500?**

— It is the salary that I need to survive ... you invested in a person with knowledge, credibility, skills to work with the state, federal and municipal system. That is the reason.

**Are the results you have so far worth that investment?**

— I work 16, 18 hours ... I believe that they are.